



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/751,576

01/05/2004

Dennis Barnum

QDP1

3093

7590
Max W. Garwood
450 N. Jefferson Street
P.O. Box 30
Huntington, IN 46750

06/19/2008

EXAMINER

HAIDER, FAWAAD

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

06/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/751,576	Applicant(s) BARNUM ET AL.	
	Examiner FAWAAD HAIDER	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-9 in the reply filed on 4/23/2008 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coyle (2002/0174036) in view of McNee et al (2003/0065572).

Re Claim 1: Coyle discloses entering a plurality of team member identifiers into a data storage (see [0027, 0034]); accessing said data storage via the internet by a customer (see Abstract, [0002-0005]); selecting one of said plurality of team member identifiers by said customer (see [0044]); and committing to purchase at least one of said plurality of products, thereby defining an internet purchased product (see [0004]). However, Cory fails to disclose said plurality of team member identifiers to a plurality of products in said data storage. Meanwhile, McNee et al discloses associating said plurality of team member identifiers to a plurality of products in said data storage (see

Abstract, [0006, 0007, 0011]). From the teaching of McNee, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Coyle's invention with McNee's use of associating identifiers to products in order to "provide valuable marketing information to the merchant, and thus provides an incentive for the merchant to participate in the program (see McNee [0008])."

Re Claim 2: Coyle discloses further comprising the step of combining direct sales information with said internet purchased product (see [0005-0006]).

Re Claim 3: McNee discloses further comprising the step of calculating prizes won by at least one of said plurality of team members (see [0031]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Coyle's invention with McNee's use of prizes in order to "provide valuable marketing information to the merchant, and thus provides an incentive for the merchant to participate in the program (see McNee [0008])."

Re Claim 4: Coyle discloses further comprising the step of generating sales tax records relative to at least one state (see [0059]).

Re Claim 5: The Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose further comprising the step of delivering said internet purchased product directly to said customer and direct sales product by way of at least one of said plurality of team members. This is commonly done today as girl scout cookies sell their products door to door.

Re Claim 6: Coyle discloses further comprising the step of entering a plurality of email addresses corresponding to potential customers (see [0042, 0046, 0055]).

Re Claim 7: Coyle discloses wherein said entering step is completed by at least one of said plurality of team members (see [0033, 0036, 0053, 0055]).

Re Claim 8: McNee discloses further comprising the step of calculating a total sale associated with said one of said plurality of team member identifiers (see [0023, 0024, 0026]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Coyle's invention with McNee's use of a total sale in order to "provide valuable marketing information to the merchant, and thus provides an incentive for the merchant to participate in the program (see McNee [0008])."

Re Claim 9: Coyle discloses further comprising the step of providing a plurality of passwords to a plurality of team members, each of said plurality of team members associated with a unique one of said team member identifiers, each of said plurality of passwords uniquely associated with a corresponding one of said plurality of team members (see [0042, 0044, 0055]).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lawrence et al (2002/0116215) discloses a method and system for administering an on-line fundraising event.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

/Fawaad Haider/
Examiner
Art Unit 3627

FIH